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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,715	11/21/2003	Hidemitsu Aoki	8017-1112	8854
466	7590	09/28/2007	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			MRUK, BRIAN P	
			ART UNIT	PAPER NUMBER
			1751	
			MAIL DATE	DELIVERY MODE
			09/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/717,715	Applicant(s) AOKI ET AL.	
	Examiner Brian P. Mruk	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-10,12,13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-10,12,13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/4/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed July 5, 2007. Applicant has amended claims 1, 10, 16, and 19. Claims 4, 6, 11 and 14 have been cancelled. Currently, claims 1-3, 5, 7-10, 12, 13, and 15-19 remain pending in the application.
2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office actions, Paper Nos. 20050413, 20060105, and 20061229.
3. The rejection of claims 1-5 and 7-9 under 35 U.S.C. 102(b) as being anticipated by Aoki et al, U.S. Patent No. 5,382,295, is withdrawn in view of applicant's amendments and remarks.
4. The rejection of claims 10, 12 and 15-19 under 35 U.S.C. 102(b) as being anticipated by Aoki et al, U.S. Patent No. 5,382,295, is maintained for the reasons of record.
5. The rejection of claims 1-6 and 10-19 under 35 U.S.C. 102(b) as being anticipated by Satoshi et al, JP 2000-219900, is withdrawn in view of applicant's amendments and remarks.

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6. The rejection of claims 4, 6, 11 and 14 under 35 U.S.C. 103(a) as being unpatentable over Bessho et al, U.S. Patent No. 6,440,856, is withdrawn in view of applicant's amendments and remarks. Specifically, claims 4, 6, 11 and 14 have been cancelled.

7. The rejection of claims 1-3, 5, 7-10, 12, 13 and 15-19 under 35 U.S.C. 103(a) as being unpatentable over Bessho et al, U.S. Patent No. 6,440,856, is maintained for the reason of record.

Response to Arguments

8. Applicant's arguments filed July 5, 2007 have been fully considered but they are not persuasive.

Applicant argues that Aoki et al, U.S. Patent No. 5,382,295, does not teach or suggest a composition that has a pH of 2-6. Although the examiner agrees with applicant, the examiner notes that independent claims 10 and 19 do not require a pH of 2-6. Furthermore, the examiner asserts that Aoki et al clearly teaches the use of ethoxylated primary alcohols (see col. 3, lines 36-45), per the requirements of the instant claims.

Applicant argues that Bessho et al, U.S. Patent No. 6,440,856, does not teach or suggest a composition that contains the polyoxyalkylene alkyl ether nonionic surfactant that is required in the instant claims. However, the examiner respectfully disagrees. Specifically, the examiner asserts that Bessho et al clearly teaches alkyl ethers of

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polyethylene glycol (see col. 10, lines 14-18), per the requirements of the instant invention.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Mon-Thurs (7:00AM-5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BPM

Brian P Mruk
September 23, 2007

Brian P. Mruk

Brian P Mruk
Primary Examiner
Art Unit 1751